

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1, 3, 4, 6, 9, 12-14, 18, 20, 26, and 27. Claim 2 has been canceled. Claims 29 and 30 were previously canceled. Accordingly, claims 1 and 3-28 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Allowable Subject Matter

On Page 3 of the Office Action, the Examiner stated that claims 3, 5, 6, 9, 10, 13, 15, 16, 20-23, 26 & 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Applicants have rewritten claims 3, 9, 13, 20, and 26 into independent form in this manner. Claims 5, 6, 10, 15, 16, 21-23, and 27 depend from these rewritten claims. Therefore, the allowance of claims 3, 5, 6, 9, 10, 13, 15, 16, 20-23, 26 & 27 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 102(e)

On Page 3 of the Office Action, the Examiner rejected claims 12, 14, and 17 under 35 U.S.C. § 102(e) as being anticipated by Lee, et al. (U.S. Patent Publication No. 2003/0152084). The Applicants have amended independent claim 12 to clarify the differences between the claimed invention and Lee. Claims 14 and 17 depend from claim 12. Therefore, favorable reconsideration of claims 12, 14, and 17 is respectfully requested.

The Applicants' claimed invention provides a solution for charging in a packet switched system of a plurality of different (possibly simultaneous), differently charged, service flows. Notably, the invention distinguishes the charging not through calculating the charging in different buckets (each bucket calculating the charges for each flow), but

through using a charging policy and calculating the charging for a plurality of service flows using a single token bucket.

Although Lee discloses a Token Bucket (TB), the TB is not used for the purpose of charging, but for the purpose of smoothing the load and getting rid of excessively high peaks in a flow. Notably, Lee's TB keeps track of the rate of received information elements from ONE flow. If the contents of the TB indicates that information elements are received too fast, relevant actions are taken.

Independent claim 12 has been amended to recite that the charging policies are utilized to calculate charges for a plurality of service flows using a single token bucket. Thus, the Applicants' claimed invention differs from Lee in several respects. First, the Applicants' token bucket is used for charging purposes rather than smoothing a load. Second, with the support from the charging policy, the Applicants' token bucket keeps track of a plurality of flows and services in one bucket, wherein the flows and services are not treated equally.

Basis for the amendments is found in the specification on page 8, lines 32-34. Therefore, the allowance of amended claim 12 and dependent claims 14 and 17 is respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 103(a)

On Page 2 of the Office Action, the Examiner rejected claims 1, 2, 4, 7-9, 11, 18, 19, 24, 25, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Barham et al. (US 7,284,047). The Applicants have amended the claims to clarify the differences between the claimed invention and Lee and Barham. Favorable reconsideration of the rejected claims is respectfully requested.

Claim 1 has been amended to recite that the token bucket associated with a user stores reservations for a plurality of service flows received from the account function of the user. Amended claim 1 also recites a charging policy enforcement point for performing charging for the plurality of service flows by reducing the stored reservation of the token bucket according to the calculated charging policies. Thus, like claim 12 discussed above, claim 1 recites that the Applicants' token bucket is used for charging purposes rather than smoothing a load, and with the support from the charging policies,

the Applicants' token bucket keeps track of a plurality of flows and services in one token bucket.

Barham is similar to Lee, in that the purpose of Barham is flow control, and the token bucket handles only a single flow. Barham discloses a congestion avoidance algorithm using a Token Bucket shaper. The TB shaper supports calculating the rate of received information elements in order to adjust the rate of receiving information elements.

Thus, Lee and Barham, taken either alone or in combination, do not teach or suggest the claimed invention. Neither reference discusses charging policy, and thus there is no teaching or suggestion of a charging policy decision point. Likewise, there is no disclosure of an account function for managing the account of the user.

Independent claims 1 and 18 both recite that there are a plurality of services or service flows associated with a single token bucket. Therefore, the allowance of amended claims 1 and 18 is respectfully requested.

Claims 4, 7, 8, and 11 depend from amended claim 1; and claims 19, 24, 25, and 28 depend from amended claim 18. Therefore, the allowance of claims 4, 7, 8, 11, 19, 24, 25, and 28 is respectfully requested.

5.) Prior Art Not Relied Upon

On Page 4 of the Office Action, the Examiner stated that the prior art made of record and not relied upon (Lialiamou et al.) is considered pertinent to the Applicants' disclosure. The Applicants' reading of this reference, however, has not revealed any teaching or suggestion of a charging system in which a single token bucket associated with a user keeps track of a plurality of differently charged service flows with the support of a charging policy.

6.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1 and 3-28.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



Date: MARCH 31, 2008

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